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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,600	10/29/2003	Jeffrey F. Hatalsky	5957-63700	6849

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EXAMINER	
SHIBRU, HELEN	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
04/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,600	HATALSKY ET AL.	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-13 and 15-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-13 and 15-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments, filed 01/05/2009, have been entered and made of record. Claims 1-6, 8-13, and 15-22 are pending.

Response to Arguments

2. Applicant's arguments filed 01/05/2009 have been fully considered but they are not persuasive. See the response sets forth below.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lane discloses recording video data stream and fetching the recorded data and Bannai discloses recording progressively encoded video stream.

Applicant states, "Because Lane simply fetches 10 bit at a time, it cannot be said that 10 bit groups are 'dynamically-determined.'"

In response the Examiner respectfully disagrees. Lane teaches the demodulator generates 8 bits of data (dynamically-determined extent) for every 10 bits of data (the entirety of the frame data) received from heads 440. Hence 8 bits of data is less than 10 bits of data. The demodulator then outputs this data in the form of normal and trick play data. Furthermore, during trick play reproduction, the I frame is less than the original frame. Therefore it is

respectfully submitted that the cited prior art performs the same functions as of the instant application claimed limitation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8, 10-13, 15, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bannai (US Pat. No. 5,412,486) in view of Lane (US Pat. No. 5, 377, 051).

Note to the Applicant: The USPTO considers the Applicant's "or" and "at least one of" languages to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claim 1, Bannai discloses a video-editing system comprising: a storage medium storing therein frames of progressively-encoded video stream, each frame including corresponding frame data (see col. 7 lines 9-15); a processing element in data communication with the storage medium, a processing element in data communication with the storage medium, the processing element being configured to fetch a selected extent of frame data from the storage medium (see fig. 18, abstract, col. 7 line 41-67 where Lane teaches first images are reduced and second images are generated).

Claim 1 differs from Banni in that the claim further requires fetching a dynamically extent of the corresponding frame data for each of at least one of the frames in the video stream, including a first dynamically-determined extent of corresponding frame data for a first frame,

wherein the first dynamically-determined extent is less than the entirety of the frame data for the first frame.

In the same field of endeavor lane discloses fetching a dynamically extent of the corresponding frame data for each of at least one of the frames in the video stream, including a first dynamically-determined extent of corresponding frame data for a first frame, wherein the first dynamically-determined extent is less than the entirety of the frame data for the first frame (see figure 11 and col. 53 lines 1-12 where Lane discloses the demodulator 401 generates 8 bits of data for every 10 bits of data received from heads 440). Note that the claim recites 'dynamically-determined extent' *(emphasis added)*. Lane discloses generating 8 bits for every 10 bits. Therefore in light of the teaching in Lane it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banni by determining an extent dynamically where the extent is less than the frame data for the first frame in order to reduce an error.

Regarding claim 2, Bannai discloses the processing element comprises a decoder configure to transform the fetched frame data into a form suitable for display on a display device (see col. 5 lines 45-51, col. 8 lines 5-31 and fig. 1 units 3 and 9, see also Kazumasa solution where it discloses the images are displayed onto a monitor).

Regarding claim 3, Bannai discloses the processing element is configured to execute an editing process for receiving instructions specifying the selected extents (see col. 8 line 43-col. 9 line 35 see also rejection of claim 1 for the dynamically determined extents).

Regarding claim 4, Bannai discloses the processing element is configured to execute an editing process to the extents on the basis of traffic on a data transmission channel providing data communication between the processing element and the storage medium (see fig. 1 col. 7 line 56-col. 8 line 19 see also claim 1 rejection for the dynamically determined extents).

Regarding claim 5, Bannai discloses in response to detection of a pause in displaying the video stream, the processing element is configured to execute an editing process to fetch previously unfetched portions of the frame data for currently displayed frame (see col. 8 line 62-col. 9 line 23, and see also Lane col. 53 line 63-col. 54 line 25).

Regarding claims 8 and 15, the limitation of claims 8 and 15 can be found in claims 1 and 2. Therefore claims 8 and 15 are analyzed and rejected for the same reasons as discussed in claims 1 and 2. See also Lane's claim 6, col. 37, lines 29-33, and figure 9B, referring to displaying a video stream including the fetched frames).

Regarding claims 11 and 18, Bannai discloses receiving an instruction specifying a desired image quality (see col. 6 and see also claim 1 rejection above for dynamically determining); and selecting an extent consistent with the desired image quality (see cols. 7-9, and claim 1 rejection above).

Claims 10 and 12-13 are rejected for the same reason as discussed in claims 3-5 respectively above.

Claims 17 and 19-20 are rejected for the same reason as discussed in claims 3-5 respectively above.

Regarding claim 21, Lane discloses the dynamically-determined extents of the corresponding frame data for the at least one of the frames in the video stream include varying extents of frame data (see col. 53 lines 1-8).

Regarding claim 22, Lane discloses varying the extent of frame data fetched for different frames in the video stream (see col. 53 lines 1-12, the extent is varied, 10 bits is different from 8 bits).

5. Claims 6, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banni in view of Lane and further and Official Notice.

Regarding claims 6, 9 and 16, although the above combination fails to disclose the stored frame include wavelet-transform encoded data, Banni teaches filtering and subsampling fine-line edges. Official Notice is taken that it is well known in the art at the time the invention was made to provide frames containing wavelet-transform encoded data in order to extract edges.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
March 25, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621